

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

MARQUES JORDAN and BRONDA)
JORDAN, individually and as)
guardian and next of kin of)
ADISYN JORDAN)
Plaintiffs)
vs.) Civil No. 1:09 CV 00079
GRACO CHILDREN'S PRODUCTS INC.)
d/b/a GRACO and/or GRACO BETA)
and)
NEWELL RUBBERMAID INC.)
And)
RUBBERMAID INC.)
Defendant.)

AGREED ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. The parties filed a Joint Motion for Order Approving Minor's Settlement, on September 7, 2010. The Affidavits of Marques and Bronda Jordan and Russell J. Wilson were filed with the Motion. The parties consented to the jurisdiction of the undersigned on August 9, 2010, and appeared before the Court for a hearing on the instant matter on September 8, 2010. Attorneys Robert Kurtz and

Travis Venable were present representing the Plaintiffs, and the Attorney for the Defendants was present.

I. EVIDENCE

The Affidavit of Marques Jordan and Bronda Jordan has been filed with the Court and attests to the parents' belief that this settlement is in the best interest of Adisyn Jordan. In addition, the Court heard testimony from Marques and Bronda Jordan and Russell Wilson at the hearing held on September 8, 2010. The Court has reviewed the Affidavit submitted by Russell J. Wilson. The Court has also reviewed the Mediation Settlement Memorandum, the Structured Settlement Documents and a summary of the case expenses accrued in prosecuting this case.

II. FINDINGS

Based upon the parties representations to the Court, both in their filings and statements at the hearing, the Court finds as follows:

Pursuant to Fed. R. Civ. P. 5.2(a)(3), the minor child is afforded privacy protection and could be referenced by the child's initials. This is an exception offered to minor children from Fed. R. Civ. P. 10(a) requiring the full name of all parties. However, as all pleadings in this case have included a reference to the full name of the minor child, the Court concludes the privacy protection afforded has been waived. Fed. R. Civ. P. 5.2(h).

The Plaintiffs Marques and Bronda Jordan and their minor daughter, Adisyn Jordan, reside in Knoxville, Tennessee and receive mail at 805 Cedar Lane, C-12, Knoxville, TN 37912. Adisyn Jordan was born on July 8, 2001. Marques Jordan and Bronda Jordan are the natural parents of Adisyn Jordan, and they have sole and

primary custody of their daughter. Marques Jordan and Bronda Jordan are the natural guardians of their daughter.

On March 27, 2009, Plaintiffs filed a Complaint individually and on behalf of their daughter, Adisyn Jordan, against the Defendants, alleging various claims under federal and state law. The Defendants deny any and all liability. Notwithstanding the dispute between the parties, in order to avoid further litigation and the corresponding expenses thereof, the Defendants, without admitting any liability whatsoever, have agreed to a compromise settlement in this matter.

The Court has reviewed the Joint Motion for Order Approving Minor's Settlement filed in this case. The Joint Motion identifies how the settlement proceeds in this matter will be paid. The Court specifically approves the plan submitted in the Joint Motion and finds that the settlement, and the financial plan for the settlement proceeds submitted by the parties is in the best interest of the minor child.

The Court finds that it is appropriate to waive the appointment of a guardian ad litem for Adisyn Jordan, as the petitioners are the minor's parents and this waiver is in the minor petitioner's best interests. The parties have represented to this Court that the proposed settlement is reasonable and in the best interest of Adisyn Jordan, and the parties request that the settlement be approved and made the judgment of the Court in full release and satisfaction of all claims which the Plaintiffs may have or hereinafter could claim against the Defendants, Graco Children's Products, Inc., Newell Rubbermaid, Inc., and Rubbermaid, Inc., current or past, arising out of the incidents described in the Complaint.

III. CONCLUSION

Based on the foregoing the Court finds, that the settlement is in the best interests of the minor. The expenses and attorneys fees contained in the settlement are reasonable. The Court finds that the Joint Motion for Settlement of Minor's Claims is well-taken, and it is **GRANTED**. The Settlement is **APPROVED** and shall be memorialized in a Judgment to follow this Memorandum. This case is hereby, **DISMISSED** with prejudice with each party to bear their own costs and attorney fees.

IT IS SO ORDERED.

ENTER:

United States Magistrate Judge

s/Robert R. Kurtz

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